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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/073,452	05/06/1998	RICHARD A. LANG		9785

22830 7590 02/06/2006

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PALO ALTO, CA 94303

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	09/073,452		LANG ET AL.	
	Examiner		Art Unit	
	Thai Tran		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2005 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed July 3, 2001 have been fully considered but they are not persuasive.

In re pages 3-4, applicants argue that Logan teaches a device with accepts multiple input sources from separate devices, as most modern audio/video equipment does, this would enable a user of a Logan device to attach various inputs such as a VCR, cable TV, satellite TV and so forth, and, however, Logan does not teach or suggest the use of multiple buffers in order to complete the paradigm shift for conventional TV viewing.

In response, the examiner respectfully disagrees. First at all, it is noted that claims 1 and 6 recite "**one or more cyclic buffers**". The claimed "one or more cyclic buffers" of claims 1 and 6 is anticipated by the circular buffer disclosed in col. 1, lines 46-60 of Logan et al.

Finally, Logan et al discloses in col. 2, lines 36-46 that

“As contemplated by the invention, the broadcast buffer memory advantageously takes the form of the combination of a random access memory and a magnetic disk memory, the random access memory providing temporary storage of programming which is in the process of being written to and read from the larger capacity disk memory. To minimize memory space requirements, incoming analog broadcast signals are advantageously digitized and compressed prior to storage in the buffer, then decompressed and converted back into analog form for playback.”

Form the above passage, it is clear that the claimed “cyclic buffers” are anticipated by the “random access memory” and “magnetic disk memory” of Logan et al. Thus, the alleged multiple buffers are anticipated by the “random access memory” and “magnetic disk memory” of Logan et al.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al ('551).

Logan et al discloses a time delayed digital video system using concurrent recording and playback having video input means (12 of Fig. 1) for simultaneously receiving more than one broadcast video/audio program from one or more sources; cyclic buffer means (5 of Fig. 1) for storing said programs as program data in a cyclical fashion wherein upon being filled, said cyclic buffers begin replacing the oldest data with the newest of said data and is operable for simultaneously reading and writing of the said data; and viewing playback means (11 of Fig. 1) for providing playback control of

Art Unit: 2616

said data independent from the storing of said programs wherein said playback control comprises random access playback, stop, pause, rewind and fast-forward function; whereby the time-shifted viewing is delayed viewing of one or more programs in progress and may be initiated and controlled simultaneously with said storing of said programs (columns 5-6) as recited in claims 1 and 6; archive means (column 3, lines 34-45) for semi-permanent storage of the program data and wherein the archive means is used as a save function for selective retrieval, playback and control of program data as recited in claims 2 and 7; viewer playback control capture means (column 5, lines 7-21) for the capture and storage of user playback control data and whereby the viewer playback control data is stored on the archive means as recited in claims 3 and 8; data transmission means (column 5, lines 7-21) for transmitting the viewer playback control data away from the system and wherein the viewer playback control data is analyzed externally from the system as recited in claims 4 and 9; data reception means (column 5, lines 7-21) for receiving broadcast program configuration of system options of the system for recording of one or more broadcast programs as recited in claims 5 and 10; wherein the video input means receives one or more broadcast video/audio program (4 of Fig. 1, column 2, lines 11-16 and column 3, last paragraph) simultaneously on one or more channels; wherein the cyclic buffer storage means stores the data simultaneously for the one or more channels (5 of Fig. 1); and wherein any of the stored program from the one or more channels are accessible of the playback and the time-shifted viewing (column 4, lines 3-13) as recited in claims 11-12; the video input means receives one or more broadcast video/audio programs

Art Unit: 2616

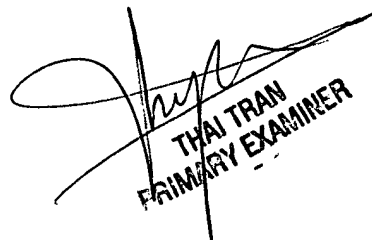
simultaneously on two or more numerically adjacent channels (column 3, last paragraph) as recited in claims 13-14; program means (3 of Fig. 1) to select one or more broadcast programs to be recorded and stored using the storage means; and wherein any of the stored programs from the one or more channels are accessible for the playback and the time-shifted viewing (column 4, lines 3-13) as recited in claims 15-16.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN  
PRIMARY EXAMINER